

RESOLUTION NO. 12-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
OF HUNTSVILLE, ALABAMA

WHEREAS, The City of Huntsville, hereinafter referred to as Owner, is the owner of a right-of-way for a public street lying within the City of Huntsville, Alabama, which said right-of-way is described as follows, to-wit:

Commencing at a railroad spike found at the Southeast corner of Section 17, Township 5 South, Range 2 West, thence North 00 degrees 45 minutes 08 seconds East at a distance of 5315.25 feet to the Point of Beginning.

Thence from the Point of Beginning North 88 degrees 37 minutes 38 seconds West at a distance of 38.79 feet; thence North 01 degree 22 minutes 22 seconds East at a distance of 29.95 feet; thence South 88 degrees 37 minutes 46 seconds East at a distance of 38.83 feet; thence along a curve to the right having a chord bearing of South 01 degree 26 minutes 44 seconds West a chord distance of 29.96 feet and a radius of 18.02 feet and back to the Point of Beginning.

WHEREAS the City of Huntsville, through its Mayor, has executed a declaration of its intent and desire that the right-of-way above described be abandoned by the City of Huntsville (See Exhibit "A"); and desires to divest any and all right, title and interest which the public may have in and to said right-of-way so described, acquired by virtue of the dedication of said right-of-way, to the Huntsville-Madison County Airport Authority; and

WHEREAS, the City Council does find that the retention of said right-of-way will not benefit the City of Huntsville, Alabama, and is no longer needed for a public or municipal purpose as a right-of-way; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Huntsville, Alabama, does hereby declare the above described right-of-way to be abandoned and hereby authorize the Mayor to execute a Quitclaim Deed (See Exhibit "B") vacating the above described right-of-way.

ADOPTED THIS THE 1st day of November, 2012.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

APPROVED THIS THE 1st day of November, 2012.

\_\_\_\_\_  
Mayor the City of Huntsville,  
Alabama

STATE OF ALABAMA

EXHIBIT "A"

COUNTY OF MADISON

**DECLARATION OF VACATION OF RIGHT-OF-WAY**

KNOW ALL MEN BY THESE PRESENTS: That the undersigned City of Huntsville desiring to vacate that certain right-of-way hereinafter described, say as follows:

1. That the said Owners are the owners of all the land abutting the hereinafter described right-of-way; and

2. WHEREAS, convenient and reasonable means of ingress and egress are available to the owners of the surrounding property; and

3. WHEREAS, the said right-of-way, hereinafter described, is situated within the corporate limits of the City of Huntsville, Alabama, and was heretofore dedicated to said City; and

4. WHEREAS, the undersigned, by this instrument, declare their intent to vacate the said right-of-way, hereinafter described; and

5. WHEREAS, it may be necessary for the City of Huntsville, Alabama to retain an easement for utilities and drainage over the real estate described below.

NOW, THEREFORE, the undersigned, as the owners of property abutting the said right-of-way hereinafter described, do hereby petition and urge that the City Council of the City of Huntsville, Alabama, adopt a resolution hereby declaring said right-of-way vacated and assenting to the vacation of the following described right-of-way, being described, as follows:

Commencing at a railroad spike found at the Southeast corner of Section 17, Township 5 South, Range 2 West, thence North 00 degrees 45 minutes 08 seconds East at a distance of 5315.25 feet to the Point of Beginning.

Thence from the Point of Beginning North 88 degrees 37 minutes 38 seconds West at a distance of 38.79 feet; thence North 01 degree 22 minutes 22 seconds East at a distance of 29.95 feet; thence South 88 degrees 37 minutes 46 seconds East at a distance of 38.83 feet; thence along a curve to the right having a chord bearing of South 01 degree 26 minutes 44 seconds West a chord distance of 29.96 feet and a radius of 18.02 feet and back to the Point of Beginning.

IN WITNESS WHEREOF, the undersigned owners of all property abutting said right-of-way hereinabove described, have caused this instrument to be executed, on this 1st day of November, 2012.

CITY OF HUNTSVILLE

By: \_\_\_\_\_  
Mayor Tommy Battle

ATTEST:

\_\_\_\_\_  
Charles E. Hagood, Clerk-Treasurer

STATE OF ALABAMA  
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for the State of Alabama at Large, hereby certify that Tommy Battle, as Mayor, and Charles E. Hagood, as Clerk-Treasurer, whose names are signed to the foregoing instrument for the City of Huntsville, Alabama, as such officers and with full authority, and who are known to me, acknowledged before me on this day that they, being informed of the contents of this instrument, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office, this the 1st day of November, 2012.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
\_\_\_\_\_

STATE OF ALABAMA  
COUNTY OF MADISON

### QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) paid to the undersigned, the receipt of which is hereby acknowledged, the CITY OF HUNTSVILLE, a municipal corporation within the State of Alabama, hereinafter called Grantor, does hereby remise, release, quitclaim, grant, sell and convey unto THE HUNTSVILLE-MADISON COUNTY AIRPORT AUTHORITY, an Alabama public corporation, hereinafter called Grantee, all its right, title, interest and claim in and to the following described real estate, lying in Madison County, Alabama, and more particularly described as follows:

Commencing at a railroad spike found at the Southeast corner of Section 17, Township 5 South, Range 2 West; thence North 00 degrees 45 minutes 08 seconds East at a distance of 5315.25 feet to the Point of Beginning.

Thence from the Point of Beginning North 88 degrees 37 minutes 38 seconds West at a distance of 38.79 feet; thence North 01 degree 22 minutes 22 seconds East at a distance of 29.95 feet; thence South 88 degrees 37 minutes 46 seconds East at a distance of 38.83 feet; thence along a curve to the right having a chord bearing of South 01 degree 26 minutes 44 seconds West a chord distance of 29.96 feet and a radius of 18.02 feet and back to the Point of Beginning.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever; except and provided, however, in the event Grantor's municipal governing body resolves that all or any portion of the lands described hereinabove are needed for right-of-way purposes, then such lands shall automatically, without the need for further action by Grantor and at no cost to Grantor, revert to and be vested in Grantor, its successors or assigns.

IN WITNESS WHEREOF, the undersigned Grantor has caused this instrument to be signed by its duly authorized officers on this the 1st day of November, 2012.

CITY OF HUNTSVILLE,  
A MUNICIPAL CORPORATION

By: \_\_\_\_\_  
TOMMY BATTLE  
Its: Mayor

ATTEST:

By: \_\_\_\_\_  
CHARLES E. HAGOOD  
Its: Clerk-Treasurer

STATE OF ALABAMA  
COUNTY OF MADISON

I, the undersigned notary public in and for said county, in said state, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and Clerk-Treasurer of the City of Huntsville, a municipal corporation within the State of Alabama, respectively, are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance and with full authority, they executed the same voluntarily for and as an act of the said City of Huntsville, on the day the same bears date.

Given under my hand and seal on this the 1st day of November, 2012.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

THIS INSTRUMENT PREPARED BY:  
Joseph A. Zimmerman, Esq.  
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